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U.S. Department of Justice

United States Attorney  
Southern District of New York

SEP 28 2007

CHAMBER'S OF  
JUDGE ROBERT L. PATTERSON

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

September 27, 2007

By Facsimile

The Honorable Robert P. Patterson  
United States District Court  
Southern District of New York  
New York, New York 10007

**MEMO ENDORSE**

Re: United States v. Xian Bao Lin  
06 Cr. 489 (RPP)

Dear Judge Patterson:

The Government respectfully submits this letter on behalf of both parties to request a four to five week adjournment of the October 15, 2007 trial date in the above-captioned matter. Mark Gombiner, Esq., recently received this matter from his former colleague, Christopher Flood, Esq., who left the Federal Defenders of New York for a leadership position in the newly-formed public defenders' office in New Orleans. The parties would request this adjournment so that they can continue their plea discussions in an effort to resolve this matter short of trial. Mr. Gombiner also indicated that he has a prior, conflicting trial scheduled for mid-October.

Should the Court grant this request, the Government would ask that time be excluded under the Speedy Trial Act until the new date in the interests of justice to allow the parties to pursue plea discussions as well as to ensure the availability of counsel. Mr. Gombiner has consented to this request for exclusion.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:

W.S. Wilson Leung  
Assistant United States Attorney  
(212) 637-2401

*Application granted*  
*Trial date adjourned to*  
*November 12, 2007 at 9:30*  
*am. Time is excluded*  
*from 10/15/2007 to 11/12/07*  
*in view of counsel for*  
*defendants unavailability*  
*in mid October*  
*under the Speedy Trial*  
*Act.*  
*So ordered*  
*RPM/Platt*  
*9/27/07*

Cc: Mark Gombiner, Esq.